

FILED

MAY 09 2016

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**CLERK U.S. BANKRUPTCY,
ORLANDO DIVISION**

In Re:

CASEY MARIE ANTHONY,

Case No. 8:13-bk-00922-KRM

Chapter 7

Debtor.

Roy Kronk,

Plaintiff,

Adversary Proceeding

Case No. 8:13-ap-00629-KRM

v.

CASEY MARIE ANTHONY,

Defendant.

**2ND NOTICE OF CONFLICT, PLAINTIFF'S FAILURE TO
COORDINATE DEPOSITION AND MISAPPLICATION OF RULES**

Debtor/Defendant CASEY MARIE ANTHONY, by and through her attorney, David L. Schrader filed a Motion For Extension of Time To Conduct the Deposition of Dominic Casey and to File a Motion For Summary Judgement, Responses Thereto, and To Reschedule Pretrial and as grounds therefore stated as follows:

1. On February 9, 2016, this Court entered its Order Setting Briefing Schedule and Continuing Hearing on Defendant's Motion For Judgement on the Pleadings, Responses to the Defendant's Motion For Judgement on the Pleadings and Plaintiff's Motion to Determine Whether Proceeding is Core ("Order") [Document No. 73].
2. Pursuant to said Order, the parties may conduct the deposition of Dominic Casey by APRIL 1, 2016, and file any Motions for Summary Judgement by April 15, 2016, should they be so inclined.
3. Defendant scheduled the deposition of Dominic Casey for March 31, 2016 at the Law Office of Cheney Mason, 250 South Park Avenue, #200, Winter Park, FL 32789.
4. For purposes of the deposition, Plaintiff's counsel contacted Dominic Casey stating they were coordinating the date and location of the deposition with the Defendant's counsel and would inform Dominic Casey of same. Defendants counsel were informed the

deposition could not take place at attorney Cheney Mason's office, he could not be present because of "conflict" or Orange County and had to be in Seminole County.

5. Following the entry of the Courts Order, Plaintiff's counsel was coordinating the location of the deposition in Seminole County and it would not be taken in the office of Cheney Mason.
6. Conflict: Cheney Mason was Dominic Casey's attorney in 2009 relative to the Zenaida Gonzalez Defamation case against the Defendant.
 - Cheney Mason represented Dominic Casey between Wednesday March 25, 2009 through Monday June 1, 2009.
 - A conflict of interest clearly exists between Dominic Casey and Cheney Mason.
7. Despite the fact of Plaintiff's counsel informing Defendant's counsel that any deposition could not be at Cheney Mason's office, Defendant's counsel scheduled a deposition, without notice, at Cheney Mason's and with Cheney Mason.
8. On March 31, 2016, day of the scheduled deposition without notice, Dominic Casey received a call from Plaintiff's counsel stating it would be at within two (2) hours.
9. At the time of the call, the deposition was cancelled due to Plaintiff and Defendant's counsel failure to coordinate.
10. Defendant's counsel, David L. Schrader is counsel for the Defendant in this matter. Cheney Mason is not counsel for the Defendant in this matter. Plaintiff's counsel is fully aware of who Defendant's counsel is in this Proceeding.
11. Regardless of the conflict, not being counsel for the Defendant in this matter and on April 20, 2016, Cheney Mason filed an amended notice of taking the deposition of Dominic Casey, scheduled for May 9, 2016, by Cheney Mason and in accordance with: *"Florida Rules of Civil Procedure."*
12. On April 25, 2016, Dominic Casey filed Notice of Conflict, Failure to Coordinate Deposition and Misapplication of Rules.
13. In this Notice, Dominic Casey stated that he is unable to schedule May 9, 2016 for any proceeding due to circumstances which are beyond his control.

14. On April 27, 2016 the Court issued an Order granting Debtor/Defendant's Uncontested Motion for Extension of Time to Conduct Deposition of Dominic Casey [Doc. 76].

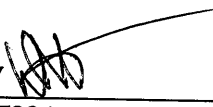
15. The Courts Order states:

"The Parties shall conduct the deposition of Dominic Casey no later than June 1, 2016."

16. On the night of May 4, 2016, Dominic Casey was served with a Subpoena from Cheney Mason to attend a Deposition on Monday May 9, 2016 with prior knowledge that Dominic Casey is unable to attend any proceeding due to circumstances which are beyond his control.

17. Dominic Casey had provided Notice of these circumstances to the Court on April 25, 2016 and before the Court's Order of April 27, 2016

WHEREFORE, Dominic Casey has at all times been fully cooperative in this matter and is not refusing any proceeding. Dominic Casey requests this Court to inform Defendant's counsel, David L. Schrader to coordinate with Plaintiffs' counsel as previously agreed upon and exclude Cheney Mason from the Proceeding.

/s/ Dominic Casey 

Post Office Box 917394

Longwood, FL 32791

CERTIFICATE OF SERVICE

I HEREBY certify that the foregoing document has been emailed to Howard Marks, Esq. Burr & Foreman, LLP, et al hmarks@burr.com, David Schrader, Esq, Counsel for the Defendant, via electronic mail at dschraderlaw@gmail.com, dschraderlaw.assistant@gmail.com this 6th day of May 2016, for filing with the Court and distribution to the associated parties.

/s/ Dominic Casey 

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